

## **REDACTED**

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 99-712

August 17, 2001

DALE LITTLEFIELD, ET AL.  
Request for Commission Investigation of  
Bell Atlantic-Maine's Exchange Boundary  
That Has Some Residents of Augusta  
Served by the Gardiner Exchange – 582

ORDER DISMISSING  
COMPLAINT

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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### **I. SUMMARY**

On October 6, 1999, Mrs. Dale Littlefield, lead complainant, and eleven other Verizon Maine (Verizon) customers who live in the City of Augusta complained to the Commission, pursuant to 35-A M.R.S.A. § 1302, that, because they are served by Verizon's Gardiner exchange, their 911 calls are delayed, they do not have the same local calling area other Augusta residents have, and therefore they want their telephone lines moved to the switch serving Verizon's Augusta exchange. In this Order we dismiss the calling area complaint as lacking merit, and we find that the primary complaint – the potential harm from complainants' 911 calls being delayed by having to be relayed from Gardiner's emergency dispatch center to Augusta's – was resolved on July 12, 2001, when the Enhanced 911 system was implemented throughout Kennebec County.

### **II. BACKGROUND**

The complaint states that because the complainants, who live in Augusta, are served by the Gardiner exchange and switch, they are cut off from the rest of the citizens of Augusta and are provided a local calling area that does not fit their community of interest. The Complaint further states that, because the complainants' 911 calls are routed to Gardiner and then relayed to Augusta, this situation presents a health and safety concern: the extra routing of emergency calls can result in further harm and even death.

On October 18, 1999, Verizon submitted its Response to the Complaint. The Response noted that the calling patterns of customers in the Gardiner exchange's calling area do not satisfy Chapter 204's requirements for adding any of the exchanges included in the Augusta calling area that are not part of the Gardiner exchange calling

area, such as North Whitefield, Sidney, Belgrade, Readfield, Winthrop, and East Winthrop.

With respect to the complaint that 911 access service does not directly reach Augusta's 911 dispatch center, Verizon's Response stated that although Gardiner and Augusta both subscribe to the Company's tariffed basic 911 service, Verizon does not have the technical capability to automatically re-route the complainants' 911 calls from Gardiner's 911 dispatch center, which answers them, to Augusta's 911 dispatch center. The Company pointed out, however, that the Enhanced 911 service would soon be implemented throughout Gardiner's and Augusta's calling areas, which would eliminate the complainants' 911 calling problems.

According to Verizon, 30 Augusta residents are served by the Gardiner switch. They live on Mud Mill Road, which runs off Route 17, in Augusta's southeast corner. The Company estimates that moving their lines to the Augusta switch would cost approximately [ **Proprietary** ], which does not include the abandonment costs of the existing facilities from the Gardiner switch, the loss of toll revenue from expanding their calling area, and additional costs if the necessary rights-of-way cannot be obtained for constructing facilities to the Augusta switch. The lines of the 12 complainants and [ **Proprietary** ] other similarly situated customers are served by a digital loop carrier unit (DLC) in Augusta, which is connected to the Gardiner switch. Verizon's method of serving them from Augusta would involve the construction of a DLC unit at the end of Mud Mill Road, providing distribution facilities from it to the Augusta central office, and reinforcing feeder and Augusta central office facilities to serve the new DLC unit.

On April 10, 2000, the Public Advocate filed a letter requesting a technical conference at which the Lead Complainant would present one or more experts who would "offer specific solutions and possibly challenge Bell Atlantic's [Verizon's] current estimate of the cost of a suitable remedy." The OPA's letter also indicated that because the prospect of obtaining E-911 service appeared to be imminent, the Lead Complainant had tentatively decided to withdraw the 911 aspect of the Complaint.

On April 13, 2000, the Staff responded by e-mail to the OPA's letter, requesting (a) that, prior to holding a technical conference, the complainants' experts' proposed solutions and cost estimates be documented and filed with the Commission, and, (b) if the Complainants were willing to withdraw the 911 aspect of the Complaint, that they file a letter to that effect. Neither the complainants nor the OPA responded to Staff's requests.

On June 11, 2001, the Staff issued an Examiner's Report that recommended the Commission dismiss the complainants' calling area complaint because it lacked merit and the delayed 911 calling complaint because the implementation of Enhanced 911 service throughout Kennebec County was imminent.

### III. THE PUBLIC ADVOCATE ALTERNATIVE

On June 28, 2001, the Office of the Public Advocate filed exceptions to the Examiner's Report indicating the OPA and the Lead Complainant wanted to offer "one or two alternatives" that would be less expensive than Verizon's method. On July 2, 2001, in its deliberation of the Examiner's Report, the Commission directed the Staff to obtain more information on the OPA's and the complainants' alternatives.

On July 16, 2001, the OPA filed a letter stating it was unable to reach the expert to whom OPA was referred by the Lead Complainant. Instead, the letter contained the "Public Advocate Alternative," an approach that would involve disconnecting the complainants' lines from the line side of the Gardiner switch and then connecting them to umbilical trunk circuits on the trunk side of that switch. This would be done for all **[Proprietary ]** customers (including the complainants) who are served off the DLC unit in Augusta,<sup>1</sup> and it would require all to agree to have their telephone numbers changed to Augusta numbers, which the OPA assumes they would agree to do in exchange for obtaining Augusta's calling area. The OPA's approach also assumes that Verizon has sufficient spare fiber capacity and terminal electronics to provide all customers with "extended loops" to the Augusta switch by way of the Gardiner switch, which would require eight T-1 trunks. The OPA estimated its approach would cost approximately \$25,000, which does not include the cost of the T-1 trunks and terminal electronics.

On July 19, 2001, Verizon filed a response to the OPA's approach, which indicated that it is equivalent to a tariffed product, namely Foreign Exchange Service; that it would result in lost toll revenues; that it could require an additional NXX code for Augusta, and that it would require that all customers served by the DLC unit in Augusta (most of whom are Chelsea residents) agree to change their telephone numbers. Other than noting that the OPA's approach is equivalent to Foreign Exchange Service, Verizon did not provide an estimate of what its actual costs would be to provide all the customers served off the DLC unit Augusta with extended loops to the Augusta switch.

### IV. DISCUSSION

The limited calling area aspect of this complaint is familiar, as other Maine telephone customers are similarly situated. The Commission has never required Maine's local exchange companies (LECs) to build their wire centers' feeder and distribution plant so that it is wholly contained within a single community; rather, LECs have built that plant out to their customers' premises from the central office switch in a way that minimizes their costs and, therefore, their customers' rates. That results in some central office switches serving customers in more than one community, and customers in the same community being served from different switches, which is the complainants' situation. But their situation is far from unique, as it is experienced by a

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<sup>1</sup> This includes not only the 30 Augusta residents but also some residents of Chelsea.

certain number of customers in virtually every wire center in Maine, because LECs' wire center boundaries do not follow town and city boundaries.

We do not find the OPA's "extended loop" approach to providing the complainants with Augusta's calling area to be feasible. Even if Verizon's actual cost to implement it were *de minimis*, the requirement that every one of the [Proprietary] Verizon customers served by the DLC unit in Augusta would have to agree to changing his or her telephone number makes OPA's approach unrealistic.

We are puzzled by the complainants' assertion that their being served by the Gardiner switch cuts them off from the rest of Augusta and provides them a calling area that does not fit their community of interest. Gardiner's calling area includes Gardiner, Randolph, Pittston, Richmond, Dresden, West Gardiner, and, in particular, Augusta (which includes the municipalities of Hallowell and Manchester). Moreover, according to Commission records, the Gardiner exchange also serves large parts of Chelsea, Farmingdale and Litchfield, putting customers in those areas in the complainants' calling area. Therefore, the complainants' calling area does appear to fit most communities of interest of Augusta residents, and we do not believe their calling area concerns are sufficient to require Verizon to move their lines to the Augusta switch and impose the costs of doing so on Verizon's ratepayers.<sup>2</sup>

The complainants' 911 calling problem was a legitimate concern. It can be confusing for persons calling 911 to have another town's emergency center dealing with their emergencies, and confusing as well for an emergency center to be confronted with emergencies occurring in another town that has its own 911 dispatch center.<sup>3</sup> But this situation is also not unique to the complainants, as telephone customers in other communities in Maine face similar emergency calling relay situations. Moreover, according to Staff's conversations with members of the Augusta police and fire

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<sup>2</sup> Should the complainants and their neighbors decide that having Augusta's calling area is worth their bearing those costs they should communicate this to Verizon.

<sup>3</sup> The delays in complainants' 911 calls could have been significant. According to Staff's conversations with a member of Gardiner's emergency dispatch center, they took the Augusta 911 caller's emergency information, relayed it to Augusta's emergency dispatch center, which then called the Augusta 911 caller to begin dealing with the emergency.

departments, the complainants could have reached Augusta's emergency dispatch center directly, by dialing either 626-2370 or 626-2375 instead of 911.<sup>4</sup>

In any case, the complainants' 911 calling problems have been eliminated. The Enhanced 911 system was implemented throughout Kennebec County on July 12, 2001. Under the E-911 system, the complainants' and their Mud Mill Road neighbors' 911 calls will be routed automatically to an E-911 tandem switch, which will route them directly to the Augusta Public Safety Answering Point (PSAP) in the Augusta Police Department's emergency dispatch center, which will answer their calls. The E-911 system is designed such that PSAPs will answer 911 calls within six seconds of when they are dialed.

## **V. DECISION**

For the reasons discussed above, we find the complainants' calling area complaint to lack merit and their 911 calling problems to have been resolved with the implementation of the Enhanced 911 system in Kennebec County. Accordingly, as permitted by 35-A M.R.S.A. § 1302(2), we order that the Complaint in this proceeding be dismissed.

Dated at Augusta, Maine, this 17<sup>th</sup> day of August, 2001.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Nugent  
   Diamond

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<sup>4</sup> It is unfortunate that the Verizon Maine Augusta directory's emergency number page lists only "911" for Augusta residents. The 626-2370 and 626-2375 numbers are in the City of Augusta's white pages, but they are listed as "non-emergency" numbers.

It would be helpful to residents of communities that have an emergency calling problem similar to that previously experienced by the complainants for the emergency number pages in LECs' directories to list all numbers – not just 911 – that reach each community's emergency services. It also would help if town officials and emergency services in such communities aggressively publicize emergency numbers and educate their residents on using them. For most of the State the Enhanced 911 system should soon make these steps unnecessary. Hancock and Aroostook Counties, however, have yet to commit the funds necessary to participate in the E-911 system; until they have E-911 service, communities in those and other counties without it could benefit from steps like those we suggest.

This document contains information Verizon alleges to be proprietary

**NOTICE OF RIGHTS TO REVIEW OR APPEAL**

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.